

**BEFORE THE
Federal Communications Commission
WASHINGTON, D. C. 20554**

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Revision of Part 22 of the Commission's
Rules Governing the Public Mobile Services

CC Docket No. 92-115

Amendment of Part 22 of the Commission's
Rules to Delete Section 22.118 and Permit the
Concurrent Use of Transmitters in Common
Carrier and Non-common Carrier Service

CC Docket No. 94-46
RM 8367

Amendment of Part 22 of the Commission's
Rules Pertaining to Power Limits for Paging
Stations Operating in the 931 MHz Band in
the Public Land Mobile Service

CC Docket No. 93-116

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**COMMENTS IN SUPPORT OF
PETITION FOR PARTIAL STAY**

1. MobileMedia Communications, Inc. ("MobileMedia") herewith files Comments in support of the Petition of the Personal Communications Industry Association ("PCIA") which seeks deferral of the effective date of the Commission's new 931 MHz band paging application processing rules. As demonstrated below, implementation of the new rules would result in extreme hardship to MobileMedia and the paging industry and delay of service to the public.

2. In adopting its new processing rules, the Commission, without explanation and consideration of the alternatives offered in the initial comments in this proceeding, arbitrarily imposed new rules that will harm the ability of 931 MHz band paging licensees to provide much needed service to the public.

3. When the undersigned contacted the Commission's staff in August 1994 concerning the harsh results of the new rules to existing delays in processing applications, the staff stated unequivocally that there would be no such delays because "there will be no backlog when we start using the new rules." Contrary to the staff's intentions, the backlog is greater now than at any time in 1994. In fact, the FCC is just now processing 931 MHz band applications that were filed in April 1994! Consequently, instead of the new rules applying to applications filed in November and December 1994, the new rules will apply to thousands of unopposed, routine applications to expand system operations that were filed more than eight months ago. If the new processing rules become effective on January 1, 1995, then all of these pending applications will be subject to: (1) the amendment process; (2) new Public Notice process; (3) mutually exclusive applications; and (4) auctions.

4. First, applicants will be burdened with amending thousands of applications to re-specify a frequency. The FCC will be burdened with processing the amendments, placing the applications which are amended on Public Notice again, dismissing the applications which are not amended, and placing the dismissed applications on Public Notice. In addition, all amended applications will be subject to new mutually exclusive applications.

5. The Commission will then have to sort out the mutually exclusive applications and begin a new process subjecting them to auctions.

6. Thus, under the new rules, routine, unopposed applications that have been pending since April 1994 will not be granted until July 1995 at the earliest. As for mutually exclusive applications, those filed in April 1994 will not be auctioned until the Fall of 1995 because the FCC will auction the remaining narrowband and broadband PCS licenses first.

7. The end result will be totally unnecessary delays in paging service to the public which, in turn, will cause paging companies to suffer lost revenues and the public to suffer from lost services.¹

8. Clearly, MobileMedia, the paging industry, and the public interest will be harmed by failure to grant PCIA's Petition for Partial Stay.

9. To reiterate, the Commission's new processing rules had no support whatsoever by the comments filed in CC Docket No. 92-115. The Commission adopted the rules without explaining why its alternative was better than either the previous processing rules or the alternatives suggested by the commenters. Implementation of the new rules will significantly delay the processing of applications for paging facilities that are needed to provide existing and new service to the public.²

10. Moreover, the Commission should not impose the new rules until after it addresses the Petitions for Reconsideration filed by PCIA, BellSouth Corporation and others.

11. In the alternative, MobileMedia requests that the Commission apply its new rules, which are effective January 1, 1995, only to applications filed after that date and process applications filed before that date under the existing rules.

¹ In this regard, MobileMedia has over 220 pending applications to expand the service of existing systems that will not be acted on until after July 1995!

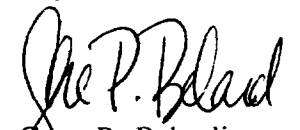
² Many of the pending applications are for facilities to replace existing stations that provide inadequate service.

12. In any case, the Commission should not impose new rules that will be extremely disruptive to the provision of paging services to the public without justifying such radical action with public interest benefits. The Commission has not demonstrated even one benefit that countervails the harm from the disruption and loss of service to the public that will result from the implementation of its new rules on January 1, 1995.

13. In view of the foregoing, MobileMedia urges the Commission to grant the Petition for Partial Stay filed by PCIA in the above-captioned proceeding.

Respectfully submitted,

MOBILEMEDIA COMMUNICATIONS, INC.



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Dated: December 27, 1994

CERTIFICATE OF SERVICE


I, Coreen K. Pinkerton, hereby certify that the foregoing "Comments in Support of Petition for Partial Stay" were hand delivered on this 27th day of December, 1994, to the following:

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